

Out of grief comes help for others

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The 2006 death of Nghĩa Trần, right, lead her daughter Nhung Trương to encourage California Assemblyman Mike Eng to sponsor a bill that would require hospitals to give families 'reasonable' time to make a final visit with their dying loved ones.



Assemblyman Mike Eng. Photo courtesy of Mike Eng.

When the hospital prepared to remove Nghĩa Trần from life support, it gave her family two hours notice — just too little time for her daughter, Nhung Trương, and three sons to say goodbye and make preparations.

Trương, a resident of San Gabriel, Calif., felt the hospital wronged her family. Still, she did not take action until an opportunity arose to create a law that would help give families in the same situation a reasonable amount of time to gather relatives, friends and clergy for a final visit.

Trương submitted the idea to California Assemblyman Mike Eng's (D-El Monte) 2007 "There Ought To Be a Law Contest." Eng's staff vetted the entries and provided a list of prospective bills to the lawmaker, who selected Trương's idea from more than 70 submissions.

"Even if I had not won, I thought it was an important enough issue that (Eng) should be aware of," Trương said.

Eng introduced the bill in February. The last vote on the measure took place Aug. 13, with 77 lawmakers voting in favor, none opposing and three abstaining. Gov. Arnold Schwarzenegger has signed the measure into law, and Assembly Bill AB 2565 will take effect Jan. 1.

The new law will require hospitals to adopt a policy providing a "reasonable" amount of time for family members or next of kin of brain-death patients to perform any personal and/or special religious or cultural practices.

A "reasonably brief period" is defined in the measure as "an amount of time afforded to gather family or next of kin at the patient's bedside." In determining what is reasonable, a

hospital shall consider the needs of other patients and prospective patients in urgent need of care, the legislation states.

Hospitals can determine what their policies will be as long as the requirements are met. These provisions will become part of the state's licensure and certification process for hospitals.

"The legislation is monumental because previously hospitals had absolutely no responsibility to the patient's family," said 30-year-old Trương, who is a consultant to South Coast Air Quality Management District board member Michael Cacciotti. "Very often, patients who are in situations similar to my mother are not able to speak."

Trần, 70, fell into a coma shortly after having a stroke about two and half years ago, her daughter said. She was in the hospital for a week before being removed from life support. She passed away shortly after on June 29, 2006.

Trương, who has a legislative background from working as a district representative to Rep. Adam Schiff (D-Calif.), said she wants for the law to grant fairness to families, to guarantee the patient can pass on with dignity and respect, and to see to it that family members can say goodbye in a respectful manner.

Eng said Trương's idea met three criteria for a winning entry: it would affect the entire state of California, stood a chance of becoming law and came from a credible proponent — someone who would see the legislation process all the way through.

"AB 2565 (is) a wonderful bill in the sense that it came from the community," Eng said.

The measure initially faced opposition from some hospitals, which were concerned that having such a bill could endanger the lives of patients who are brought in by ambulance but could not occupy a bed, Eng said.

These concerns were primarily resolved by allowing hospitals, in consultation with the families, to determine what a "reasonable" time is. For example, "reasonable" time may mean a longer period for someone with a relative coming from another state or a shorter period for a hospital that has an urgent need to turn over a bed, Eng said.

"My feeling is to let the bill take its course for at least a year or so, and if it needs to be changed, we can go back and look at it again," Eng said. "But I felt this was the best way to handle a situation in which there was no historic precedence in the state of California."

He said he hopes to see future ideas from his other constituents, which includes those living in the cities of Alhambra, El Monte, Monterey Park, Rosemead, San Gabriel, San Marino and South El Monte.

"My message to them is it doesn't matter where you come from or who you are. If you have an idea that will better the lives of Californians, we want to take you seriously," Eng said.

According to his office, prior to AB 2565, no statutes or regulations were in place to specify how much time hospitals and doctors must afford families or next of kin for a final visit when brain death has been declared.

"The most important part for me is I believe that a patient's family also has an important role when a patient is not able to speak for themselves," Trương said. "That's the aspect of the legislation that I'm most proud of. That finally, we'll be able to have a voice, have a say in the care of our loved ones when they're not able to speak."